

those matters, that he believes it to be true, and when a pleading is verified, it shall be by the affidavit of the party, unless he be absent from the county where the attorney resides, or from some cause unable to verify it, or the facts are within the knowledge of his attorney, or other person verifying the same. When the pleading is verified by the attorney or any other person except the party, he shall set forth in the affidavit his knowledge or the grounds of his belief on the subject, and the reason why it is not made by the party. But when the action or defence is founded upon a written instrument for the payment of money only, and such instruments is in possession of the agent or attorney, the affidavit of the agent or attorney to the fact of such a possession shall be a sufficient verification. When a corporation is a party, the verification may be made by any officer thereof; and when the United States, or any officer thereof in its behalf is a party, the verification may be made by any person acquainted with the facts, except that in actions prosecuted by the Attorney General in behalf of the Territory, for the recovery of real property, the pleadings need not be verified. Pleadings, how
verified.

CHARLES GARDNER,
Speaker of the House of Representatives.

JOHN B. BRISBIN,
President of the Council.

APPROVED—March first, one thousand eight hundred and fifty-six.

W. A. GORMAN.

I certify the foregoing to be a correct copy of the original bill on file in this office.

J. TRAVIS ROSSER,
Secretary of the Territory of Minnesota.

CHAPTER IV.

A Bill to Suppress the Issue and Circulation of Unauthorized Bills as Currency.

- SECTION 1. Forbidding the issue of unauthorized bills as currency, and the penalty for violation thereof.
2. Such issues void in payment of debts.
 3. This act to apply to all issues prior to the passage of this act.
 4. Penalty for circulating, passing, or attempting.
 5. Grand Juries to be notified of this act at each term of the court.
 6. Fines, how collected, by whom, and penalty for neglect to prosecute.
 7. Criminal conviction to be a bar to a civil action for the same offence.
 8. When to take effect.

Be it enacted by the Legislative Assembly of the Territory of Minnesota :

SECTION 1. That no person, association or corporation shall issue in this Territory, without authority of law, granting charters expressly for such issues, any bills, drafts, certificates of deposit, or other evidences of debt, to be loaned or put in circulation as money, or to pass or be used as a curren- Forbidding issu

cy or circulating medium ; and every person, association or corporation, and every member thereof, who violates the provisions of this section, shall be punished for each and every offence, by imprisonment in the County Jail not less than onemonth, nor over six months, and by fine not less than one hundred dollars nor over one thousand dollars. Provided, that nothing herein contained shall be construed to abridge the law of merchants or contracts.

Amixing penalty.

Bills are void.

SEC. 2. All payments of any debt or obligation which may be made in any of the bills, drafts, certificates of deposit or other evidences of debt which may be issued in violation of section one of this act, or any such bills, drafts, certificates of deposit or other evidence of indebtedness which may have been or may hereafter be issued in this Territory, without authority of law, shall be void and of no effect, and any debt or obligation which may be paid in any of the said bills, drafts, certificates of deposit or other evidence of debt, may be collected in the same manner as if no such payment had been made.

Bills issued prior to this act.

SEC. 3. The provisions of this act shall apply to all bills, drafts, certificates of deposit or other evidence of debt of the character of those mentioned in sections one and two of this act, which may have been issued and in circulation before the passage of this act.

Penalty for circulating or attempting, &c.

SEC. 4. Any person circulating, passing or attempting to circulate or pass in lieu of money or currency, any evidences of debt, issued in violation of section one of this act, shall, upon conviction thereof, before any Court of competent jurisdiction, within this Territory, be punished by a fine not less than ten dollars nor more than fifty dollars ; the fine to be applied for the benefit of the school fund of the County wherein such conviction takes place.

Duty of District Courts.

SEC. 5. It shall be the duty of the District Courts of this Territory, to call the attention of the Grand Juries to the provisions of this Act, at each term of the said District Courts held in this Territory.

Fines, how recovered.

SEC. 6. All fines provided for by this act may be prosecuted and recovered in a civil action, in the name and by the District Attorney of the County where the offence shall have been committed ; and one half of the proceeds applied by the County Treasurer of the County wherein a recovery shall be had, to the school fund of the said County, and the other half to go to the informer. In case any District Attorney shall neglect or refuse to prosecute upon complaint being made to him, it shall be lawful for any person to prosecute and recover such fines, to be applied as aforesaid.

SEC. 7. A criminal conviction for any of the offences mentioned in this Act shall be a bar to any proceedings by civil action for the same offence, against the party so convicted ; but a recovery in a civil action for a violation of any provisions of this Act, shall be no bar to a criminal prosecution for the same offence.

When to be in force.

SEC. 8. This Act shall take effect from and after its passage ; except section 3, which shall not take effect until the first day of April, 1856.

CHARLES GARDNER,

Speaker of the House of Representatives.

JOHN B. BRISBIN,

President of the Council.

APPROVED—February eighteenth, one thousand eight hundred and fifty-six.

W. A. GORMAN.

I hereby certify the foregoing to be a correct copy of the original bill on file in this office.

J. TRAVIS ROSSER,

Secretary of Minnesota Territory.